IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7634 of 1991

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DINESHBHAI RAMJIBHAI

Versus

HALVAD NAGAR PANCHAYAT

Appearance:

MRS DT SHAH for Petitioners

MR HARIN P RAVAL for Respondent No. 1

MR PREMAL JOSHI AGP for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 22/09/2000

ORAL JUDGEMENT

Though served, neither of the respondents have entered their appearance. The petition has thus remained uncontested.

The petitioners herein are the daily wagers serving under the Halvad Nagar Panchayat, the respondent no. 1 herein and the Association of the Nominal Muster Roll Workers of the Surendranagar District. It is the claim of the petitioners that petitioners nos. 1 to 5 have been serving as Daily wagers under the respondent no. 1 Nagar Panchayat since 1979-80. The petitioners claim that persons serving on the daily wages are ordinarily absorbed in permanent service, as and when such vacancy arises, in order of seniority. However, superseding the claim of the petitioners nos. 1 to 5, the respondent no. 1 Nagar Panchayat had regularized services of some daily wagers who were junior to the petitioners nos. 1 to 5. The petitioners have also given examples of one Geetaben Kawa who was appointed in place of her brother-in-law one Dinesh Amu and of one Hansaben Popat, who was appointed in the month of July, 1991. It is the allegation of the petitioners that the regular appointments are made for extraneous consideration and since the petitioners nos. 1 to 5 are unable to appease the palms of the concerned officers, they are deprived of the regular appointment. It is also alleged that such regular appoints of one Ranchhod Govind, Chaman Dhira and Lila Vaju who were appointed as daily wage-Sweepers in the year 1989-90 was likely to be made in the meeting of the Panchayat convened on 21st October, 1991. The petitioners have, therefore, prayed that the respondents nos. 1 and 2 be restrained from appointing above referred three persons ie., Ranchhod Govind, Chaman Dhira and Lila Vaju on regular establishment. They have also prayed that the said respondents be restrained from terminating the services of the petitioners nos. 1 to 5 and that the petitioners nos. 1 to 5 be absorbed on regular establishment from October, 1991. Since the above referred three persons Ranchhod Govind, Chaman Dhira and Lila Vaju are not impleaded to this petition, relief against them cannot be granted. However, the petition requires to be allowed to the extent that petitioners should be absorbed on regular establishment as and when vacancy arises, in accordance with their seniority and that their services shall not be terminated without following due process of law. The petition is accordingly allowed. The respondents no. 1 and 2 are restrained from terminating the services of the petitioners nos. 1 to 5 without following the due process of law. They are further directed to absorb the petitioners nos. 1 to 5 on regular establishment, provided they are otherwise eligible, as and when vacancies arise in order of their seniority. Rule is made absolute to the above extent. There shall be no order as to costs.

***

Prakash*